

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MARY ANN DUFFEY, )  
                        )  
Plaintiff,           )  
                        )  
vs.                   )              Case No. 4:09CV00746 ERW  
                        )  
PAUL STOLZER, et al., )  
                        )  
Defendants.          )

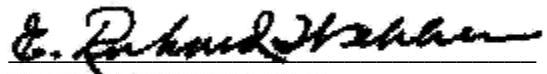
**MEMORANDUM AND ORDER**

This matter comes before the Court on the Joint Status Report submitted by the Parties on August 11, 2009. The Joint Status Report informs the Court that Mary Ann Duffy (“Garnishor”) did not file exceptions within ten (10) days. A garnishor’s failure to proceed as required by statute and rule constitutes an abandonment of the garnishment proceeding, because “strict compliance with all of the requirements formerly imposed by statutes and now also enjoined by civil rules is essential to confer and support jurisdiction in a garnishment proceeding.” *State ex rel. Bagnell Inv. Co. v. Luten*, 647 S.W.2d 539, 540-41 (Mo banc 1983) (citing *Smith v. Bennett*, 472 S.W.2d 623, 628 (Mo. Ct. App. 1971)). As a result of Garnishor’s failure to file exceptions within ten days, the Court has lost jurisdiction over this matter, and it will be dismissed. *Allison v. Tyson*, 123 S.W.3d 196, 200 (Mo. Ct. App. 2003); Mo. Sup. Ct. R. 90.07.

Accordingly,

**IT IS HEREBY ORDERED** that this matter will be **DISMISSED**, without prejudice.

Dated this 17th day of August, 2009.

  
E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE